

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

ITRA 163 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For orders on office objection No.19.
- 2. For hearing of main case.

15.12.2025

Mr. Muhammad Aqeel Qureshi, advocate for the applicant.

Learned counsel states that the issue has been decided against the department vide judgment reported as 2017 PTD 2413 (Commissioner Inland Revenue (Zone-IV) v. Saima Packaging (Pvt.) Ltd.). Learned counsel relied upon the following contents from the judgment:

“5. We have heard the arguments from both the sides and perused the case record. The contention of the A.R. of the taxpayer has force and the taxpayer being an employer, such addition could not be made in the light of section 108 of the Income Tax Ordinance, 2001 in its income as the employee is not covered under the definition of Associates as provided in subsection (2) of section 85 of the Income Tax Ordinance, 2001. Therefore, we are of the view that the order passed by CIR(A) has no infirmity, irregularity, impropriety or illegality and are inclined to agree with the findings of the learned CIR(A) which is upheld. The order passed by CIR(A) is confirmed.

11. We do not find any error in the concurrent findings of fact recorded by the Appellate Tribunal Inland Revenue and Commissioner (Appeals), reproduced hereinabove, which otherwise depict the correct legal position. Accordingly, instant reference application is devoid of any merits, which is hereby dismissed, whereas, the questions proposed through instant reference application are answered in the affirmative in favour of the respondent and against the applicant.”

In view hereof, learned counsel states that the reference application may be dismissed as withdrawn. Order accordingly.

A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Appellate Tribunal, as required per section 133(8) of the Income Tax Ordinance, 2001.

Judge

Judge